

On April 18, 1923, the Powell Corp., Canandaigua, N. Y., claimant, having admitted the material allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11496. Adulteration and misbranding of chocolate and cocoa. U. S. v. 96 Pounds, et al., of Chocolate and 102 Pounds of Cocoa. Consent decrees of condemnation and forfeiture. Products ordered delivered to charitable institutions. (F. & D. Nos. 17108, 17117. I. S. Nos. 3044-v, 3045-v, 3047-v. S. Nos. E-4254, E-4263.)

On January 8, 1923, the United States attorney for the Eastern District of North Carolina, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 192 pounds of chocolate and 102 pounds of cocoa, remaining in the original unbroken packages in part at Morehead City, N. C., and in part at Wilmington, N. C., consigned by William H. Baker, Inc., New York, N. Y., alleging that the articles had been shipped from New York, N. Y., in part on or about October 26 and in part on or about October 27, 1922, and transported from the State of New York into the State of North Carolina, and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part, respectively: "Justice Brand Premium No. 1 Chocolate * * * William H. Baker (Syracuse), Incorporated 79-85 Wall St. N. Y. City;" "Justice Brand Cocoa William H. Baker Syracuse, Inc. New York City."

Adulteration of the articles was alleged in the libels for the reason that excessive cocoa shells had been mixed and packed with and substituted wholly or in part for the said articles.

Misbranding of the articles was alleged in substance for the reason that the statements, to wit, "Premium No. 1 Chocolate" and "Cocoa," appearing on the respective labels, were false and misleading and deceived and misled the purchasers in that the said products contained an excessive amount of cocoa shells.

On April 6, 1923, William H. Baker, Inc., having entered an appearance and filed answer to the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be disposed of to charitable institutions.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11497. Adulteration of canned salmon. U. S. v. 100 Cases of Canned Salmon. Default decree of condemnation and forfeiture. Product delivered to fish hatcheries for fish food. (F. & D. No. 17181. I. S. No. 8318-v. S. No. W-1285.)

On January 17, 1923, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 100 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by J. E. Shields, Seldovia, Alaska, June 25, 1921, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Case) "4 Doz. Kenai Brand Alaska Sockeye Salmon."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a decomposed and putrid animal substance.

On March 13, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the State Fisheries Department to be used for fish food.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11498. Adulteration of canned apricot pulp. U. S. v. 51 Cans of Apricot Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17206. I. S. No. 6646-v. S. No. C-3875.)

On January 27, 1923, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure